

Board Members

Maryann Santos de Barona, Ph.D.
Chairperson
James J. Cox, Ed.D.
Vice-Chairperson
Joseph C. Donaldson
Secretary
Denise M. Bainton, J.D.
Wil R. Counts, Ph.D.
Manuel H. Delgado, Jr., J.D.
Maureen K. Lassen, Ph.D.
Michael J. Rohrbaugh, Ph.D.
David P. Yandell, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Maxine McCarthy
Executive Director

Marcus E. Harvey
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David S. Shapiro
Investigator

Shari S. Courtney
Administrative
Assistant

REGULAR SESSION MINUTES

Saturday, January 10, 2004

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Santos de Barona at 10:10 a.m. on Saturday, January 10, 2004. No Executive Sessions were held.

2. ROLL CALL

Board Members Present

Maryann Santos de Barona, Ph.D. - Chairperson
James J. Cox, Ed.D. - Vice-Chairperson
Joseph Donaldson - Secretary
Denise M. Bainton, J.D.
Wil R. Counts, Ph.D.¹
Maureen K. Lassen, Ph.D.
David P. Yandell, Ph.D.

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director
David Shapiro, Investigator
Shari Courtney, Administrative Assistant

Board Members Absent

Manuel H. Delgado, Jr., J.D.
Michael J. Rohrbaugh, Ph.D.

Maxine McCarthy, Executive Director, noted for the record that Nancy Beck, Assistant Attorney General, would not be present.

3. REMARKS/ANNOUNCEMENTS

Chairperson Santos de Barona thanked the members of the Board and the community for taking the time to attend this out of cycle Board meeting. She also announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. She stated that anyone was welcome to complete a Board meeting assessment survey. Finally, she stated that times on the agenda are approximate, but that the Board would attempt to begin scheduled hearings on time, which could result in the suspension of discussion of certain agenda items until a later time.

¹ Present at 10:15 a.m.

4. APPROVAL OF MINUTES

- **Regular Session – December 5, 2003**

A motion was made by Dr. Cox, seconded by Dr. Yandell, and unanimously carried (5-0-2), with Ms. Bainton abstaining from the vote and Dr. Counts not yet present, to approve the December 5, 2003 Regular Session minutes.

- **Executive Session – December 5, 2003**

A motion was made by Dr. Yandell, seconded by Dr. Cox, and carried (5-0-2), with Ms. Bainton abstaining from the vote and Dr. Counts not yet present, to approve the December 5 2003 Executive Session minutes.

5. CALL TO THE PUBLIC

Dr. Santos de Barona gave the public the opportunity to address the Board at this time but no one wished to speak.

6. DISCUSSION/DECISION REGARDING PROPOSALS FROM TASK FORCE ON COMPLAINT PROCESS

Dr. Cox reminded the Board of the Task Force's previous meetings and opened up discussion of the remaining Task Force proposals which were not discussed at the Board's October 3, 2003 meeting. Board members proceeded to discuss these topics and took a position on each of them:

- **Sanctions for violations:** Ms. Bainton made a motion, seconded by Dr. Yandell, and unanimously carried (7-0), that the Board continue to follow A.R.S. § 32-2081 in its entirety.
- **Increasing civil penalties:** Ms. Bainton made a motion, seconded by Dr. Counts, and unanimously carried (7-0), that the Board support, in principle, an increase in the maximum civil penalty from \$3000 to \$5000 per violation, but that the Board would not introduce any legislation to do so.
- **Failure to report abuse:** Dr. Lassen made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to continue to follow the law which makes failure to report child abuse unprofessional conduct.
- **Length of time for complaint to be heard at public meeting:** Mr. Shapiro explained to the Board his estimates of the best and worst case scenarios for the time it would take to investigate complaints under the Board's current practice, and under the proposed practice of providing the psychologist's response to the complainant. After some discussion it was the consensus of the Board to stand by their October 3, 2003 decision to make no changes.
- **Timing of agenda items:** Dr. Counts made a motion, seconded by Dr. Yandell, and unanimously carried (7-0), to continue the Board's current practice.
- **Three-tiered complaint process:** Dr. Cox summarized the proposals of the psychologists' group, consumers group and the Arizona Psychological Association. Dr. Counts made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), to continue the Board's current practice for processing complaints.
- **Publications of allegations:** Ms. Bainton made a motion, seconded by Dr. Yandell, and unanimously carried (7-0), to continue the Board's current practice of publishing the minutes of meetings on the Board's website.
- **Complaint filing deadline:** Dr. Yandell made a motion, seconded by Mr. Donaldson, and unanimously carried (7-0), to continue the Board's current complaint procedures which involve no statute of limitations for filing complaints.
- **Moving from informal interview to dismissal or formal hearing:** Mr. Donaldson, made a motion, seconded by Ms. Bainton, and unanimously carried (7-0), to table discussion of this proposal until the February meeting.

- **Recognition of forensic psychologist specialty:** Dr. Yandell made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to continue the Board's current practice of issuing only a general psychology license.
- **Continuing education in domestic violence and child abuse for forensic psychologists:** Dr. Lassen made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to support a rule change requiring all psychologists to obtain continuing education in the areas of domestic violence and child abuse.
- **Expanded "immunity" for forensic evaluators:** Dr. Lassen made a motion which was seconded by Dr. Santos de Barona, to not support expanded immunity for forensic evaluators, as proposed to the Task Force. After further discussion, Dr. Santos de Barona withdrew and then reinstated her second to the motion, which carried unanimously (7-0). The Board also directed staff to have the Board's lobbyist provide the Board with all legislation that would affect the Board, for the Board's review.
- **Confidentiality of letters of concern:** Mr. Donaldson made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to continue the Board's practice of keeping letters of concern as public documents.
- **Appeal of letters of concern:** Dr. Yandell made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to continue the Board's current practice in which letters of concern are not subject to appeal. The Board also directed staff to put a statement on the Board's website making it explicitly clear that letters of concern are not disciplinary actions.
- **One letter of concern per complaint:** Dr. Lassen made a motion, seconded by Dr. Counts, and unanimously carried (7-0), to support the recommendation that a single letter of concern should be issued for one complaint, rather than one letter for multiple complaints.

7. **DISCUSSION/DECISION REGARDING INITIAL REVIEW OF REQUESTS FOR INVESTIGATION (RFI)**

a) **RFI 03-38 – Deborah Lewis, Ph.D.**

David Shapiro, Board Investigator, summarized the allegations and Board members proceeded to deliberate. Dr. Counts made a motion, seconded by Dr. Cox and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

b) **RFI 03-41 – Patti Watson, Ed.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Ms. Bainton made a motion which was withdrawn, to issue a letter of concern to Dr. Watson expressing the Board's concerns that she charged a client for preparing a billing statement. Ms. Bainton then made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to continue this complaint to gather additional information from Dr. Watson.

c) **RFI 03-44 – Skip Heck, Ph.D.**

The Complaint was present and made a statement to the Board. Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Yandell, seconded by Dr. Cox, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

8. **ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Ms. Lassen, seconded by Dr. Cox, and unanimously carried (7-0), to adjourn the meeting at 2:41 p.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Joseph Donaldson
Secretary**